

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

HAROLD L. PHILLIPS	§	
	§	
VS.	§	CIVIL ACTION NO. G-07-004
	§	
THE STATE OF TEXAS	§	

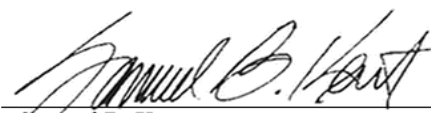
ORDER OF DISMISSAL

Before the Court is a Report and Recommendation from the United States Magistrate Judge which recommends that the "Motion to Dismiss" of Defendant, The State of Texas, be granted; Plaintiff, Harold L. Phillips was given until April 13, 2006, to file objections to the Report and Recommendation; however, to date, no objections have been filed.

After appropriate review, pursuant to 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of applicable law to the facts alleged in Phillips' complaint and it is, therefore, **ACCEPTED** by the Court in its entirety and incorporated by reference herein.

Accordingly, it is the **ORDER** of this Court that the "Motion to Dismiss" (Instrument no. 4) of Defendant, The State of Texas, is **GRANTED** and that the "Original Complaint" (Instrument no. 1) of Plaintiff, Harold L. Phillips, is **DISMISSED with prejudice**.

DONE at Galveston, Texas, this 23rd day of April, 2007.



Samuel B. Kent
United States District Judge